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30 JAN 1997

Legal Staff  
International Division

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SMITH, et al

Serial No: 08/392,934

Filed: September 15, 1993

For: IMMUNOREACTIVE PEPTIDES FROM  
EPSTEIN-BARR VIRUS

Rec'd T/PTO 12 DEC 1996 #14

PATENT  
7586D3033

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as "Express Mail" service, Mailing Label EM078285420US under 37 CFR 1.10 in an envelope addressed to: Assistant Commissioner of Patents, Washington D.C. 20231, on

December 12, 1996

Date of Deposit

Melinda E. Hallmark

Name

Melinda E. Hallmark

Signature

12/12/96

Date

### REQUEST FOR WITHDRAWAL OF NOTIFICATION OF ABANDONMENT

Box PCT  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Applicants request that the Notification of Abandonment mailed by the Patent Office on November 20, 1996 be withdrawn.

The Notification of Abandonment indicates that the decision was made per Decision on Petition mailed on May 23, 1996 (hereinafter the May decision). However, according to the May 23 Decision on Petition, a proper response to the May decision may be filed within two months from the mail date of the decision with the extensions of time available under 37 CFR 1.136(a). In other words, applicants have up to six months from May 23, 1996 to response to the May decision as long as a petition for the extension of the time and a fee are properly filed.

A renewed petition was filed together with a petition for three-month extension of time and a fee of \$930.00 with PTO on October 23, 1996, five months from May 23, 1996. Because a proper response to the May decision was timely filed with PTO, applicants respectfully request the PTO withdraw the Notification of Abandonment, and proceed with the further examination

of the above identified application.

Enclosed is a copy of all the documents filed with PTO on October 23, 1996:

1. The return postcard, showing the Date Mailed as "10/23/96" and the PTO Mail Room stamp of October 28, 1996;

2. Petition for three month Extension of Time (to October 23, 1996) and our check No. 001144 in the amount of \$930, the fee for a three month Extension of Time;

3. Renewed Petition Under 37 CFR 1.48(a);

4. Executed Verified Statement of Facts;

5. Executed Declaration of John R. Wetherell;

6. Fully executed Declaration and Power of Attorney;

7. Fully executed Assignment;

8. Assent of Assignee to Addition to Originally Named Inventors; and

9. Executed Power of Attorney by Assignee.

Acknowledgment of the active status of this application is respectfully requested.

**Conditional Petition to Revive Pursuant to 37 C.F.R. §§137(a) or 137(b)**

It is respectfully submitted that a proper response to the May decision was timely filed with the PTO on October 23, 1996. Accordingly, it is believed that no petition to revive is required. If the above petition to withdraw the holding of abandonment is denied, Applicants respectfully petition in the alternative pursuant to 37 C.F.R. §1.137(b) to revive the present application abandoned for failure to prosecute. The attached copies of the response filed on October 23, 1996 constitute a complete response. Please be advised that the delay in prosecution was unintentional. Please also be advised that the petition for revival is filed within thirty days of the mailing of the Notification of Abandonment, which is the first time that the undersigned learned that the above identified application might be deemed abandoned.

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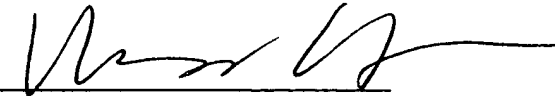
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Please charge any fee for this conditional petition to revive, if required, to Deposit Account No. 12-1820. A duplicate copy of this paper is enclosed.

Respectfully submitted,

LOEB AND LOEB

Date: December 12, 1996

By: 

WEI-NING YANG

Registration No. 38,690

Attorney for Applicant

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